



**DECLARATION, POWER OF ATTORNEY, AND PETITION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TONNEAU COVER END PLATE SECURING MECHANISM HAVING A RADIAL ENGAGING SURFACE**

the specification of which:

\_\_\_\_\_ is attached hereto.

  X   was filed on August 14, 2001 as Serial No. 09/930,680

I state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein;

I acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a), including any public use, sale, or offer for sale of the disclosed invention occurring more than one year prior to the filing date of this application.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed and have identified any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

~~01/28/2002 BABRAHAI 00000247 09930600~~

~~01-FC-215~~

~~55.00 0F~~

Priority  
Claimed

(Number)

(Country)

(Day/month/year filed)

Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing date)	(Status - patented, pending, abandoned)
--------------------------	---------------	---

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint, jointly and severally, MOORE & HANSEN:

Robert C. Freed, Registration No. 32,569  
Malcolm L. Moore, Registration No. 22,808  
Conrad A. Hansen, Registration No. 25,589  
Christopher J. McLaughlin, Registration No. 42,869  
John D. Kramm, Registration No. 36,851  
James R. Hakomaki, Registration No. 35,037

my attorneys and agents with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith and the general power of attorney to file and prosecute any foreign or International (PCT) application claiming the benefit of priority of this application, or any continuation, continuation-in-part, or divisional thereof.

All communications shall be addressed to:

Robert C. Freed  
MOORE & HANSEN  
2900 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the above-referenced specification and claims, and I hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney and this petition.

Full name of inventor: **Charles M. Schmeichel**

Inventor's signature: Charles M. Schmeichel Date: 12/7, 2001

Residence Address: Jamestown, ND

Post Office Address: Rural Route 1  
Jamestown, ND 58401

Citizenship: United States

Full name of inventor: **Steven C. Schmeichel**

Inventor's signature: Steven C. Schmeichel Date: 12/7, 2001

Residence Address: Jamestown, ND

Post Office Address: 8255 - 30<sup>th</sup> Street SE  
Jamestown, ND 58401

Citizenship: United States



COPY OF PAPERS  
ORIGINALLY FILED

## ASSIGNMENT

# COPY

**WHEREAS**, we, Charles M. Schmeichel, a citizen of the United States, residing at R.R. 1, Jamestown, North Dakota 58401, and Steven C. Schmeichel, a citizen of the United States, residing at 8255 - 30<sup>th</sup> Street SE, Jamestown, North Dakota 58401, United States; made certain new and useful inventions and improvements for which we filed an application for Letters Patent of the United States on August 14, 2001, entitled:

### **TONNEAU COVER END PLATE SECURING MECHANISM HAVING A RADIAL ENGAGING SURFACE**

**AND WHEREAS**, Agri-Cover, Inc., a business concern organized and existing under and by virtue of the laws of the State of North Dakota and having an address at 8251 - 30R Street SE, Jamestown, ND 58401 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

**NOW THEREFORE**, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, I/we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and I/we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

**AND**, for the consideration aforesaid, I/we do hereby agree that I and my/we and our respective executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to me/us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns, the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

**AND**, furthermore I/we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and

property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by me/us.

IN TESTIMONY WHEREOF, we have hereunto set our hands on this 7 day of December, 2001.

Charles M. Schmeichel  
Charles M. Schmeichel

STATE OF N.D. )  
 )ss.  
COUNTY OF Stutsman )

On this 7th day of December, 2001, before me personally appeared Charles M. Schmeichel, known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

Jolene Brown  
Notary Public  
My Commission Expires: 8-15-02

Steven C. Schmeichel  
Steven C. Schmeichel

STATE OF N.D. )  
 )ss.  
COUNTY OF Stutsman )

On this 7th day of December, 2001, before me personally appeared Steven C. Schmeichel, known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

Jolene Brown  
Notary Public  
My Commission Expires: 8-15-02

COPY OF PAPERS  
ORIGINALLY FILED

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schmeichel )

Serial No: 09/930,680 )

Filed : August 14, 2001 )

For: TONNEAU COVER )  
END PLATE SECURING )  
MECHANISM HAVING A )  
RADIAL ENGAGING )  
SURFACE )

Docket No. : A20-009-01-US

Group Art Unit: 3612

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS

*(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN*

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:

Agri-Cover, Inc.

ADDRESS OF SMALL BUSINESS CONCERN:

8251 - 30R Street SE  
Jamestown, ND 58401

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is

the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled TONNEAU COVER END PLATE SECURING MECHANISM HAVING A RADIAL ENGAGING SURFACE by inventors Charles M. Schmeichel and Steven C. Schmeichel described in:

☐ the specification filed herewith  
☒ Application No. 09/930,680 filed August 14, 2001.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below<sup>1</sup> and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(e) or a nonprofit organization under 37 CFR 1.9(e).

NAME:

ADDRESS:

☐ Individual      ☐ Small Business Concern      ☐ Nonprofit Organization

---

<sup>1</sup> \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Steven C. Schmeichel  
TITLE OF PERSON SIGNING: President  
ADDRESS OF PERSON SIGNING: 8251 - 30R Street SE  
Jamestown, ND 58401

SIGNATURE: Steven C. Schmeichel DATE: 12/7/01